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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/665,568	09/22/2003	Kenji Hori	111608.01	6155
25944	7590	08/10/2005	EXAMINER	
OLIFF & BERRIDGE, PLC			HASAN, MOHAMMED A	
P.O. BOX 19928			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22320			2873	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,568

Applicant(s)

HORI, KENJI

Examiner

Mohammed Hasan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,8, 9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6,8,9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al (6,075,650).

Regarding claim 6 as applied to claim 5, Morris et al discloses (refer to figure 3) a method of adjusting the optical thickness of a lens (14), an etching a surface of the lens (14) to reduce an optical thickness (dry etching, i.e., reduce the optical thickness) and manufacturing the lens before etching the surface of the lens (column 6, lines 40 - 47, column 9, lines 17- 22, i.e., reduce the optical thickness as shown in figure 5, column 9, lines 28 - 32) . Morris et al discloses all of the claim limitations except etching is performed to bring an optical thickness of the manufactured lens to a target optical thickness of the lens. However, Morris et al discloses (refer to figure 3) manufacturing lens and a lens forming step by dry etching. Morris et al further discloses manufacturing lens (i.e., lens design pattern maximum sag requirement 0.23, column 7, lines 20 – 21).

It would have been obvious to one of ordinary skill in the art at the time invention was made to provide an optical thickness of the manufactured lens to target optical

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5, 8 and 11 are rejected under 35 U.S.C. 102 (b) as being anticipated by Morris et al (6,075,650).

Regarding claim 5, Morris et al discloses (refer to figure 3) a method of adjusting the optical thickness of a lens (14) made from a material transparent to light to be used comprising: etching a surface of the lens to reduce the optical thickness (dry etching, i.e., reduce the optical thickness) and manufacturing the lens before etching the surface of the lens to reduce the optical thickness (column 6, lines 40 - 47, column 9, lines 17-22, i.e., reduce the optical thickness as shown in figure 5, column 9, lines 28 - 32).

Regarding claim 8, Morris et al discloses, an optical thickness has been adjusted by a method (i.e., column 6, lines 40 - 47).

Regarding claim 11, Morris et al discloses, wherein at least one of polishing, pressing and cutting is operated in manufacturing the lens (column 10, lines 25 – 26, column 9, line 12, column 8, line 61).

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thickness when etching is performed for the purpose of an optical device the reduction in wavefront error as taught by Morris (column 3, lines 16 – 17).

Regarding claim 9, Morris et al discloses (refer to figure 3) a lens (14) whose optical thickness has been adjusted by method (i.e., column 6, lines 40 - 47).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Sudoh (6,285,512 B1) discloses a lens barrel having deformed optical element, and projection including same.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH
August 5, 2005


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800